

REMARKS/ARGUMENTS

Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Discussion of Rejections Under 35 U.S.C. §102

Claims 1-11, and 17-20 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,732,922 to Lindgren et al. (hereinafter Lindgren). Applicant respectfully traverses the rejection and requests reconsideration and allowance of claims 1-11, and 17-20.

Lindgren was filed May 14, 2002 and claims priority to Provisional Application No. 60/291,064, filed May 14, 2001.

The instant application was filed on July 21, 2003 and claims priority, as a CIP, to U.S. Patent Application No. 09/693,386, filed October 20, 2000, which in turn claims the benefit of Provisional Application No. 60/160,681, filed October 21, 1999. U.S. Patent Application No. 09/693,386 subsequently issued as U.S. Patent No. 6,595,416 (the ‘416 patent).

The claims of the instant application are entitled to the priority date of the parent applications, provided the parent applications support the claimed subject matter as required by 35 U.S.C. §112, first paragraph. At least claims 1-5, 10-11, and 17-19 are supported, as required by 35 U.S.C. §112, first paragraph, by the application which issued as the ‘416 patent. Therefore, at least claims 1-5, 10-11, and 17-19 are entitled to the filing date of October 20, 2000, corresponding to the filing date of the application which issued as the ‘416 patent.

Because the October 20, 2000 filing date predates the earliest priority date accorded to Lindgren, Lindgren is not prior art with respect to at least claims 1-5, 7, 10-11, and 17-19. Therefore, claims 1-5, 7, 10-11, and 17-19 are not anticipated by Lindgren. and Applicant respectfully requests allowance of claims 1-5, 7, 10-11, and 17-19.

Claim 6 includes the feature that “one of the contactless smart card reader and the magnetic stripe card reader comprises the contact card reader.” Lindgren fails to describe at least this claimed feature. The Examiner fails to provide any discussion of how Lindgren describes this claimed feature and fails to cite to any portion of Lindgren.

The Examiner states that a fare card reader comprises a card reader 112. However, Lindgren fails to describe any configuration where a *contactless* smart card reader or a *magnetic stripe* card reader operates as a *contact* card reader.

Therefore, claim 6 is believed to be allowable at least for the reason that Lindgren fails to describe, as set forth in the claims, every feature of the claim. Applicant respectfully requests reconsideration and allowance of claim 6.

Claim 8 includes the feature that “the pre-determined time for uploading the history is after each cashless transaction of the plurality of cashless transactions.” Lindgren fails to describe at least this claimed feature.

The Examiner cites to Lindgren Table 1, and the description at Col. 7, line 30 through Col. 8, line 40. However, Table 1 and the associated description describe contents of a transaction history, and do not describe how an add value terminal updates the transaction information, nor does the associated description describe the frequency, rate, or timing of such transaction updates as executed by an add value terminal.

Therefore, claim 8 is believed to be allowable at least for the reason that Lindgren fails to describe, as set forth in the claims, every feature of the claim. Applicant respectfully requests reconsideration and allowance of claim 8.

Claim 9 includes a feature of “the fare card is a special status fare card, and wherein the control and memory assembly adds value to the special status fare card without obtaining the credit/debit information through the debit/credit card reader.”

The Examiner cites to Lindgren, at Col. 3, ll. 57-61 as describing this claimed feature. However, the cited portion of Lindgren describes how a card holder “can also choose to enter payment information relating to future purchases, such as credit card number so that any purchases will automatically be billed to a specific credit card.” *Lindgren*, Col. 3, ll. 57-60.

However, the cited portion of Lindgren describes the ability to make purchases against a previously entered credit card number. The cited portion fails to describe adding value to a fare card and fails to describe an add value terminal determining that a card is a special status fare card, and adding value to the special status fare card. The cited portion of Lindgren is

insufficient to even suggest that an add value terminal determine special status fare cards or provide any manner of dealing with special status fare cards.

Therefore, claim 9 is believed to be allowable at least for the reason that Lindgren fails to describe, as set forth in the claims, every feature of the claim. Applicant respectfully requests reconsideration and allowance of claim 9.

Claim 20 includes features similar to claim 9 and is believed to be allowable at least for the reasons provided above in relation to claim 9. Applicant respectfully requests reconsideration and allowance of claim 20.

Discussion of Rejections Under 35 U.S.C. §103

Claims 12-16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,916,244 to Gatto et al. (hereinafter Gatto) in view of JP 06131523 to Kawai.

As described above, the instant application is a CIP of U.S. Patent Application No. 09/693,386, filed October 20, 2000, which in turn claims the benefit of Provisional Application No. 60/160,681, filed October 21, 1999. The claims of the instant application are entitled to the filing date of an application for which it claims the benefit, provided the application supports the subject matter of the claims.

Claims 12-13 and 16 are supported within the description of the application which issued as the '416 patent. Therefore, claims 12-13 and 16 are entitled to the benefit of the filing date of at least October 20, 2000.

Gatto was filed June 5, 2002, which is later than the filing date accorded to claims 12-13. Thus, Gatto is not a prior art reference with respect to claims 12-13 and 16.

Claim 14 features "the magnetic stripe fare card reader comprises means for reading from and writing to contact smart cards." This feature is not described in either Gatto or Kawai. Neither Gatto nor Kawai describes a magnetic stripe fare card reader having the ability to read and write from a contact smart card.

The Examiner concedes that Gatto fails to describe a magnetic reader, but contends that Kawai teaches the claimed subject matter. However, the Examiner does not

provide any argument nor citation showing where Kawai describes a contact smart card. Thus, Kawai cannot describe a “magnetic stripe fare card reader comprises means for reading from and writing to contact smart cards,” in part, because Kawai describes contactless smart cards and does not describe interfacing with contact smart cards.

The combination of Gatto with Kawai cannot teach or suggest subject matter that is neither taught nor suggested in each reference, individually. Thus, claim 14 is believed to be allowable at least for the reason that Gatto and Kawai, whether alone or in combination, fails to teach or suggest every claimed element.

Claim 15 features “debit/credit card reader comprises means for reading from and writing to contact smart cards.” Gatto fails to describe a credit/debit card reader, and neither Gatto nor Kawai describes a credit/debit card reader that includes means for reading and writing contact smart cards. As discussed above, Kawai fails to describe interfacing with contact smart cards. Thus, claim 15 is believed to be allowable at least for the reason that Gatto and Kawai, whether alone or in combination, fails to teach or suggest every claimed element.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Raymond B. Hom
Reg. No. 44,773

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
RBH:jo
60829911 v1